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In re Application of  
Schoen  
Application No. 08/619,984  
Filed: March 21, 1996  
For: TECHNIQUES TO CREATE TARGETED  
LOTTERY SYSTEMS USING ELECTRONIC  
MEDIA INTERFACES

In re Application of  
Schoen  
Application No. 09/296,864  
Filed: February 17, 1998  
For: TECHNIQUES TO CREATE TARGETED  
LOTTERY SYSTEMS USING ELECTRONIC  
MEDIA INTERFACES

DECISION GRANTING  
PETITION

This is a decision on the petition filed June 4, 1998, requesting that a continuation-in-part (CIP) application filed under former 37 CFR 1.62<sup>1</sup> be treated as an application under 37 CFR 1.53(b) and be accorded a filing date of February 17, 1998.

On February 17, 1998, applicant filed a CIP application under 37 CFR 1.62 based on prior application No. 08/619,984.

On May 29, 1998, a "Notice Of Improper Application" was mailed stating that no filing date had been granted since 37 CFR 1.62 practice had been abolished and since the application could not be accepted as a continued prosecution application (CPA) under 37 CFR 1.53(d) since it is identified as a continuation-in-part application.

<sup>1</sup> 37 CFR 1.62 was deleted from title 37 of the Code of Federal Regulations effective December 1, 1997. See Notice of Final Rule, 62 Fed. Reg. 53132 (October 10, 1997).

Thereafter, on June 4, 1998, the present petition was filed requesting that the CIP application filed under 37 CFR 1.62 on February 17, 1998, be treated as an application filed under 37 CFR 1.53(b) and be accorded a filing date of February 17, 1998. The petition is accompanied by (1) a copy of the complete prior application as originally filed, including the specification, drawings, and signed declaration; (2) a copy of the amendment which was entered in the prior application; (3) a copy of the preliminary amendment which accompanied the 37 CFR 1.62 request; and (4) a signed declaration.

The petition is granted.

The copy of the prior application, the amendment entered in the prior application, and the preliminary amendment submitted with the 37 CFR 1.62 request (which included additional Figures 5 and 6) constitute the original disclosure of the application under 37 CFR 1.53(b).

The original request for an application under 37 CFR 1.62 and the original petition filed on June 4, 1998, and accompanying papers have been removed from the file of application No. 08/619,984 and have been assigned application No. 09/296,864. A copy of the request for an application under 37 CFR 1.62 and the petition filed on June 4, 1998, have been retained in application No. 08/619,984 to complete the record therein. All future correspondence concerning the CIP application should be directed to application No. 09/296,864, not to application No. 08/619,984.

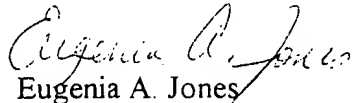
Since the request for an application under 37 CFR 1.62 was improper and since applicant failed to timely file a proper response to the Office letter mailed on October 20, 1997, application No. 08/619,984 is abandoned.

Application No. 08/619,984 is being returned to Technology Center 3700 for correction of Office records to show that the application was abandoned on February 21, 1998, for failure to respond to the Office action mailed October 20, 1997.

Application No. 09/296,864 is being forwarded to the Office of Finance for correction of Office records to show that (1) the \$395.00 fee paid on February 17, 1998, has been applied as the filing fee in application No. 09/296,864, not as a CPA filing fee in application No. 08/619,984; and (2) the \$130.00 petition fee paid on June 4, 1998, has been paid in application No. 09/296,864, not application No. 08/619,984.

Application No. 09/296,864 will then be forwarded to the Office of Initial Patent Examination for further processing as an application filed under 37 CFR 1.53(b), not under 37 CFR 1.53(d), with a filing date of February 17, 1998, using the two sheets of drawings containing Figures 5 and 6 and the declaration filed on February 17, 1998, and the application papers filed on June 4, 1998, (including the specification and the four sheets of drawings containing Figures 1-4), and for an indication on the PALM bib-data sheet that six (6) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703)305-9282.



Eugenia A. Jones

Legal Advisor

Special Program Law Office

Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects